

ESTTA Tracking number: **ESTTA630723**

Filing date: **10/02/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 92059821 |
| Party | Defendant Mahalaxmi Exports FZE |
| Correspondence Address | MAHALAXMI EXPORTS FZE 7TH FLOOR 708 FAIRMONT HOTEL TOWER, SH ZAYED ROAD DUBAI, UNITED ARAB EMIRATES |
| Submission | Other Motions/Papers |
| Filer's Name | Adam E. Schwartz |
| Filer's e-mail | aschwartz@schwartzip.com |
| Signature | /adam e schwartz/ |
| Date | 10/02/2014 |
| Attachments | GOLESTAN Response to Request for Entry of Default.pdf(177030 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|-----------------------|---|-------------------------------------|
| GOLESTAN CO. | : | Cancellation No. 92059821 |
| | : | |
| Petitioner, | : | |
| | : | Registration Nos. 4153549 & 3915265 |
| v. | : | |
| | : | Mark: GOLESTAN |
| MAHALAXMI EXPORTS FZE | : | |
| | : | |
| Registrant, | : | |
| | : | |
| _____ | : | |

RESPONSE TO REQUEST FOR ENTRY OF DEFAULT

Golestan Co. (“Petitioner”), through its counsel, filed a Request For Entry of Default dated September 29, 2014. As grounds for its request, Petitioner asserts that the deadline for Mahalaxmi Exports FZE (“Registrant”) to file its answer was September 27, 2014 and that as of September 29, 2014 no answer or other responsive pleading had been filed.

Petitioner appears to ignore the basic rule that when a due date falls on a Saturday the action may be taken on the next business day. 37 CFR §2.196; TBMP §112. The deadline to answer fell on Saturday, September 27th. Registrant filed a Motion to Dismiss on Monday, September 29th.¹ This motion tolls the time for filing an answer. *See* TBMP §503.01.

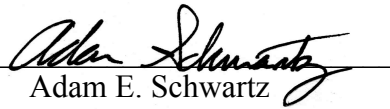
¹ Petitioner’s Request appears to have been premature, as TTABVue records indicate that it was filed before the close of business on the answer’s due date.

Registrant requests that the Request for Entry of Default be denied accordingly.

Dated: October 2, 2014

Respectfully Submitted,

SCHWARTZ INTELLECTUAL
PROPERTY LAW, PLLC

By: 
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Attorneys for Registrant

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing Response to Request for Entry of Default has been served this day upon the Petitioner's counsel of record via First Class U.S. Mail by depositing copies thereof in a depository under the exclusive care and custody of the United States Postal Service in a postage-paid envelope properly addressed as follows:

Sepehr Daghighian, Esq.
Law Offices of Sepehr Daghighian, P.C.
433 North Camden Drive, Fourth Floor
Beverly Hills, CA 90210

Dated: October 2, 2014

SCHWARTZ INTELLECTUAL
PROPERTY LAW, PLLC

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